

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. Information disclosure statement

An information disclosure statement is filed concurrently herewith. The references cited in the information disclosure statement are those cited in co-pending U.S. application 10/725,479.

2. In the claims

In the amendment to the claims, the claims are amended to more clearly recite the subject matter for which protection is sought.

Turning to independent claims 1, 12 and 21-23, these claims are amended to clarify that the wound dressing has a bodyside and a backside. Support for this amendment is provided in Figs. 6-8 and the corresponding discussion in the specification which exemplify the embodiments of the pending application on a body portion. This amendment generally describes the nature of wound dressings wherein there is commonly a side that contacts that body and there naturally flows a side which is opposite, or is the backside, the body side.

Next, the independent claims are amended to clarify that the backing layer has both distal and proximal surfaces. These claims, as originally filed, described the backing layer as having a proximal surface. It naturally follows that if there is a proximal surface, there must be a distal surface as currently recited in the pending claims. In addition, the proximal surface of the backing layer is now defined as extending over the absorbent core. This amendment basically makes explicit that which was implicit in the claims as originally filed.

It will be pointed out that the claims are amended to identify a first adhesive layer and a second adhesive layer. This particular amendment specifies the certain layers and removes any possible confusion as to the same.

Also, these claims are amended to recite that the first adhesive layer is applied “only” to the border portion of the proximal surface of the backing layer. Support for this amendment is found in Figs. 17 and 18, and the corresponding sections in the specification

Lastly, the independent claims are amended to recite the first adhesive layer or its variants as defining a portion of the bodyside of the wound dressing. Also, these claims are amended to recite that the distal side of the backing layer defines the backside of the wound dressing. Support for these amendments is clearly provided in Figs. 17 and 18, and the corresponding sections in the specification.

In observing the dependent claims, claims 7 and 13 are cancelled in view of the amendment to claims 1 and 12.

Claim 9 is amended to specify that the perforations of the second facing layer are provided in a pattern. Support for this amendment is found in Figs. 1-18 and the corresponding sections in the specification.

Claim 11 is amended to overcome the objection in the office action by the deletion of the term “includes.” Withdrawal of this rejection is respectfully requested.

It is submitted that the amendments to the claims find clear support in the specification. Therefore, no new matter is introduced into the claims. Entry of the amendments to the claims is respectfully requested.

3. Rejection of claims 1-19 and 21-23 under 35 U.S.C. 103(a) as being unpatentable over U.S. publication 2003/0088202 (*Gilman*)

Reconsideration of this rejection is respectfully requested in view of the amendment to the pending claims. In short, the amended independent claims 1, 12 and 21-23 do not include the base film 12 and backing film 13 of *Gilman*. Instead, these claims require a backing layer having an adhesive applied on its border portion which defines a portion of the bodyside of the wound dressing.

Specifically, in observing independent claims 1, 12 and 21-23, these claims are distinguished over *Gilman* on the basis that the backing layer is configured differently from the base film 12 and backing film 13 of *Gilman*. These claims require that the backing layer has a proximal surface which extends over the distal surface of the absorbent core such that a border portion of the backing layer is defined which extends beyond the periphery of the absorbent core. The first adhesive layer required of these claims is applied to the proximal surface on the backing layer along the border portion thereby defining a portion of the bodyside of the wound dressing.

Gilman does not teach the combination of the backing layer border portion with the first adhesive layer disposed thereon in the manner required by the pending claims. Instead, in viewing Fig. 1 of *Gilman*, it is readily apparent that the base film does not extend over the distal surface of the foam layer 11. *Gilman* instead shows the base film 12 as extending across the entirety of the proximal surface of the foam layer 11. Moreover, the backing film 13 extends over the entire distal surface of the foam layer 11, and the border portion of its proximal surface is covered by an adhesive that secures the base film 12 thereto (paragraph [0016]). Thus, *Gilman* does not disclose a backing layer extending over the distal surface of an absorbent core such that it extends beyond the periphery of the absorbent core with an adhesive applied on the proximal border portion of the backing layer that forms a portion of the bodyside of the wound dressing.

For a better understanding of the wound dressing recited by the pending independent claims, attention should be paid to the exemplary embodiments of Figs. 17 and 18.

According to *Gilman*, the combination of the backing film 13 and the base film 12 must be used in the wound dressing described therein. For example, *Gilman* requires the base film to be secured to the foam layer so that a centrally located opening 17 is formed in the base film so as to permit the foam layer to expand downwardly therethrough to absorb fluid (paragraph [0018]). Furthermore, the base film 12 and the backing film 13 are attached to one another along the border portions

12a and 13a so as to secure the backing film 13 relative to the foam layer 11 (paragraph [0016]).

It is submitted that if the backing film 13 is not secured to the base film 12, the backing layer 13 would not remain with the wound dressing of *Gilman*. Thus, one skilled in the art would readily recognize that it is necessary that both the base film and the backing film are included in the wound dressing according to *Gilman*.

In view of these observations, it is submitted that one skilled in the art would not be motivated to modify the features of the wound dressing according to *Gilman* to make the wound dressing having the features according to the amended claims of the pending application.

Therefore, withdrawal of this rejection is respectfully requested.

4. Conclusion

As a result of the amendment to the claims, and the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is kindly requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,



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